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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,478	08/07/2006	Peter Weingartner	BPP 305	1955
23581	7590	11/16/2006	EXAMINER	
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/550,478

Applicant(s)

WEINGARTNER, PETER

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/07/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 07 August 2006 has been considered for this Office Action.

Claim Objections

2. Claims 1, 3-6, 8, 9, 11, 12 and 14-18 are objected to because of the following informalities:

- Claim 1 recites the limitation "the stack" in the third line, "the force" in the fourth line, "the pre-tensioned back" between the fourth and fifth lines, "the relaxed state" in the seventh line and "the back" in the tenth line. There is insufficient antecedent basis for these limitations in the claim.

- Claim 1, line 1, "etc." should be replaced with --other materials--.
- Claim 1, line 2, recites "one-piece or multipart" makes the claim indefinite because it is unclear whether the clip needs to be a one-piece clip or a multipart clip.

- Claim 1, between lines 2 and 3, recites "the same or different" makes the claim indefinite because it is unclear whether the limbs needs to be the same or different.

- Claim 1, between lines 3 and 5, recites "by these alone or by means of projections incorporated into them and the force of the pre-tensioned back" makes the claim indefinite because it is unclear whether the limbs alone hold the sheet of papers

with the force of the pre-tensioned back or the limbs along hold the sheet of papers or the sheet of papers are held by means of projections incorporated into them and the force of the pre-tensioned back.

- Claim 1, between lines 5 and 6, recites "one-piece triangular or trapezoidal or semicircular or semielliptical" makes the claim indefinite because it is unclear whether the clip needs to be triangular or trapezoidal or semicircular or semielliptical.

- Claim 1, line 9 and between lines 9 and 10, recites "an acute or obtuse angle" makes the claim indefinite because it is unclear whether the angle needs to be acute or obtuse.

- Claim 1, between lines 10 and 11, recites "consists of metal or high-strength plastic or wood or compressed cellulose" makes the claim indefinite because it is unclear whether the clip is made of metal or high-strength plastic or wood or compressed cellulose or a combination thereof.

- Claim 1, between lines 2 and 3, "the same or different" makes the claim indefinite because it is unclear whether the limbs needs to be the same or different.

- Claim 2 recites the limitation "the state" in the second line. There is insufficient antecedent basis for this limitation in the claim.

Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3677

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Rappa (US 4,283,869).

A clip clamps sheets of paper, plastic, metal or others materials at their corners or sides (Figs. 2 and 3). The clip has a U-shaped member (1) provided with two limbs (4). Both limbs clamping stacks of sheets between the limbs (Figs. 2 and 3). Both limbs clamping stacks of sheets between the limbs and a force of a pre-tensioned back (Figs. 1-4). The limbs are arranged parallel to each other in a relaxed state (Figs. 1 and 4). Each limb comprises small fold (at the outer edge of 4) that is inwardly curved (inwardly toward the U-shaped member) and that bends to form an angle (Figs. 1-4). Each side forms an angle with the back or on each vertex (Figs. 1-4). The material for the clip consists of a group selected from metal, high-strength plastic, wood or compressed cellulose (Figs. 1-4).

Both limbs are arranged on top of each other and parallel to each other by means of a spring (1) in the relaxed state of the clip and in a state where the clip clamps a stack of sheets (Figs. 1-4).

The clip is made of multiple parts with both limbs being connected by means of a spring without making mutual contact (Figs. 2 and 3).

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Noda et al. (US 6,725,508 B1).

A clip clamps sheets of paper, plastic, metal or others materials (7) at their corners or sides (Figs. 7). The clip has a one-piece U-shaped member provided with two limbs (1,2). Both limbs clamping stacks of sheets between the limbs by means of projections (5A,5B) incorporated into them and a force of a pre-tensioned back (Fig. 7). The limbs are arranged parallel to each other in a relaxed state (Fig. 7). Each limb comprises small fold (4) that is inwardly curved and that bends to form an angle (Fig. 7). Each side forms an angle with a back (3) or on each vertex (Fig. 7). The material for the clip consists of a group selected from metal, high-strength plastic, wood or compressed cellulose (C. 3, L. 22-24 and C. 5, L. 26-27).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freedman (US 1,423,520), Challinor (US 2,498,066), Le Roy (US 3,604,425), Mollman (US 3,837,133), Bakanowsky, III (US 5,104,088) and Noguchi et al. (US 5,682,650) are cited to show state of the art with respect to clips having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP

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§ 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

November 12, 2006


ROBERT J. SANDY
PRIMARY EXAMINER